



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

April 17, 2023

BY ECF

Hon. Edgardo Ramos  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. Customs and Border Protection et al.*, 21 Civ. 10430 (ER)

Dear Judge Ramos:

This Office represents the defendant agencies in the above-referenced action brought under the Freedom of Information Act. Pursuant to the Court's order, I write respectfully to provide the Court with an updated status report regarding the agencies' outstanding searches and productions in this case, some of which have been delayed from the agencies' original estimates.

***Customs and Border Protection:*** made productions on July 21, August 31, and October 14, 2022, and produced redacted versions of 11 of the videos discussed in earlier letters on February 10, 2023, and of the remaining videos (and still photographs) on March 28, 2023. CBP has now completed its productions in this case.

***Federal Bureau of Investigation:*** produced documents on June 21, November 15, and December 15, 2022; the remaining records are videos, which based on a preliminary review, the FBI would likely withhold in full. FBI has provided plaintiffs with some additional information regarding these videos and its anticipated basis for withholding them, and the parties' discussions about them are continuing.

***U.S. Marshals Service:*** made productions on July 15, October 24, and December 16, 2022, and on February 1 and March 13, 2023; this completes the production of documents by USMS itself. In its last cover letter, USMS noted that it had sent five sets of referrals to other agencies (the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"); the Drug Enforcement Administration ("DEA"); the Department of Justice's Office of Information Policy; the Federal Law Enforcement Training Center (part of the Department of Homeland Security); and the Federal Aviation Administration ("FAA")). The referrals to the FAA and the Federal Law Enforcement Training Center were completed on March 23 and 29, 2023, respectively. The DOJ Office of Information Policy expects to complete its referral within the next couple of weeks, the DEA expects to complete its referral in the next month, and the ATF expects to complete its referral within a couple of months, as it in turn must consult with other agencies regarding the records it is processing.

The parties will make their next monthly status report on May 17, 2023. We thank the Court for its consideration of this matter.

Respectfully,

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cc: Counsel for plaintiffs (by ECF)